

## **REMARKS/ARGUMENTS**

### **Description of amendments**

Claims 1-21 are now pending and under examination. Applicant has amended claims 1, 7, and 14, and cancelled claim 4. No new matter has been added.

### **Rejection under 35 U.S.C. §102**

Claims 1, 7, 8, and 14-20 were rejected under 35 U.S.C. §102(a) as being anticipated by Richardson (U.S. Patent 6,081,762). For the following reasons, Applicant respectfully requests reconsideration and withdrawal of the rejection.

### **PRESENT INVENTION**

#### **Claim 1**

The invention defined in claim 1 relates to an adaptive cruise control (ACC) for vehicle in which the ACC is cancelled when a driver performs a predetermined operation under the ACC. In such an ACC, the driver must turn on an ACC control switch to resume the ACC after the ACC has been cancelled due to an operation by the driver. This is troublesome.

In order to overcome the above problem, the present invention does the following.

(a) After the driver has stopped the operation which cancelled the ACC, the ACC is resumed (see OFF→On in the "ACC" of Figs. 9A and 9B).

(b) When the ACC is resumed, a cruise speed is set depending upon the traveling environment at the time (see the "new cruise speed" in Figs. 9A and 9B).

Claim 7

According to the invention defined in Claim 7, in an ACC system in which the ACC is cancelled due to a predetermined operation by the driver, even when the driver performs a foot brake operation at a speed between 0 to 20 km/h, the ACC is maintained or automatically resumed.

Claims 14-20

According to the invention defined in Claim 14, in an ACC system in which the ACC is cancelled due to a predetermined operation by the driver, the ACC in which the cruise speed is an upper limit is automatically resumed, without limiting a condition for resuming the ACC.

THE RICHARDSON PATENT

According to Richardson, in order to solve the problem that a cruise control system repeatedly switches between the cruise mode and the follow mode in a curve (see Fig. 2), when the a curve sensor detects that the vehicle travels in a curve under a state in which the cruise control system has been shifted from the follow mode to the cruise mode, the acceleration of the vehicle is limited so that the vehicle is gently accelerated.

Richardson does not disclose that the cruise control system is cancelled due to a predetermined operation by the driver and that it is automatically resumed under certain conditions.

Accordingly, Richardson does not recognize the problem to be solved by the present invention that the driver is required to turn on the ACC starting switch to resume the ACC each time when the ACC is cancelled.

Further, Applicant wishes to emphasize that the ACC itself includes the changing operation between the cruise mode and follow mode (see the description in lines 2-10 on page 1 of this application). It should be noted that in the present

Application No. 10/083,405  
Reply dated June 1, 2004  
Reply to Office Action of December 2, 2003

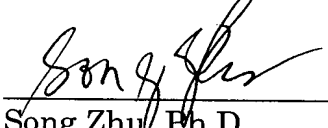
invention the ACC itself is cancelled and resumed in accordance with the predetermined operation of the driver.

In light of the foregoing remarks, this application is considered to be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (CAM #: 056203.50989US).

June 1, 2004

Respectfully submitted,



---

Song Zhu, Ph.D.

Registration No. 44,420

James F. McKeown

Registration No. 25,406

CROWELL & MORING, LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844  
JFM:SZ:tlm (056203.50989US; 321083)